

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

SCOTT FRANCIS ICEBERG,

Plaintiff,

v.

WHITMAN COUNTY, and  
LORETTA LYNCH,  
in her official capacity,

Defendants.

NO. 2:22-CV-0332-TOR

ORDER DENYING PLAINTIFF'S  
MOTION FOR RECONSIDERATION

BEFORE THE COURT is Plaintiff's Motion for Reconsideration. ECF No.

13. This matter was submitted for consideration without oral argument. The Court has reviewed the record and files herein and is fully informed.

Plaintiff seeks an order that his ADA claim is dismissed "without prejudice" and that his *in forma pauperis* status be reinstated. ECF No. 13.

A motion for reconsideration of a final judgment may be reviewed under Federal Rule of Civil Procedure 59(e) (motion to alter or amend a judgment) or Rule 60(b) (relief from judgment). *Sch. Dist. No. 1J v. ACandS, Inc.*, 5 F.3d 1255,

1 1262 (9th Cir. 1993). As a rule, a court should be loath to revisit its own decisions  
2 in the absence of extraordinary circumstances such as where the initial decision  
3 was “clearly erroneous and would work a manifest injustice.” *Christianson v. Colt*  
4 *Indus. Operating Corp.*, 486 U.S. 800, 817 (1988). Nonetheless, whether to grant  
5 a motion for reconsideration is within the sound discretion of the court. *Navajo*  
6 *Nation v. Confederated Tribes and Bands of the Yakima Nation*, 331 F.3d 1041,  
7 1046 (9th Cir. 2003).

8 Plaintiff claims that he was not asserting a constitutional violation, only one  
9 under the ADA. However, Plaintiff cites no case holding that a court violates the  
10 ADA for failing to provide an attorney as a reasonable accommodation. *See*  
11 *Iceberg v. King Cnty. Superior Ct.*, No. C20-1595RSM, 2021 WL 391615, at \*3  
12 (W.D. Wash. Feb. 4, 2021). Plaintiff simply disagrees with the Court’s prior order.  
13 Plaintiff has not provided any grounds upon which the Court can grant his motion.

14 **ACCORDINGLY, IT IS HEREBY ORDERED:**

15 Plaintiff’s Motion for Reconsideration, ECF No. 13, is **DENIED**.

16 The District Court Executive is directed to enter this Order and furnish a  
17 copy to Plaintiff.

18 **DATED** March 2, 2023.



*Thomas O. Rice*  
THOMAS O. RICE  
United States District Judge